Petitioners

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \*

This matter comes before the Zoning Commissioner as an administrative variance filed by George J. Wimmer and Susan M. Wimmer, his wife, for that property known as 9405 Oak White Road in the Village of White Oak subdivision of Baltimore County. The Petitioners herein seek a variance from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and V.B.8 of the Comprehensive Manual of Development Policy (CMDP) to permit a side yard setback of 6 ft., for an attached two car garage, in lieu of the required 22 ft.; and to amend the Final Development Plan of Village of White Oak. All as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

Attachment to Petition

We would like to keep these vehicles at our home. This

garage would be strictly for storage of these vehicles

It is requested that the Zoning Commissioner and the

final development plans allowing the construction of a

building restriction line along the side of the house.

the Baltimore County Zoning Regulations, 1987 Edition.

Baltimore County would result in practical difficulty

in that the configuration of the lot will not allow for a

garage to be constructed in another area of the property.

shingles on the proposed structure will match that of the

existing house; therefore, the overall appearance of the

of the neighborhood. The garage opening would be facing

White Wood Court; therefore, the apron and curb would

have to be cut-out to allow the vehicles to enter the

garage. The existing house is situated far enough from

the roadway that the proposed garage would not present

White Wood Court toward its intersection with Oak White

White wood Court to stop before entering the intersection.

Also, White Wood Court is a dead-end roadway; therefore,

traffic is minimal to the Oak White Road intersection.

construction of the structure. The applicants believe

general welfare. It is requested that the Commissioner

allowing the construction of the 22' wide x 22' deep x

building restriction line established by Section 1B02.3 of the Baltimore County Zoning Regulations, 1987 Edition.

The property is located in a community that has no home-

an obstruction to traffic. The vehicles traveling on

traveling on Oak White Road. A stop sign is situated

on White Wood Court, thereby requiring vehicles on

owners' association that would need to approve the

that the construction of the garage will not cause

and Board of Appeals grant the requested variance

18' high garage to be constructed with the 25'5"

substantial injury to the public health, safety, and

Road would have a clear view of oncoming traffic

house and garage will not detract from the attractiveness

The 22' wide x 22' deep x 18' high size structure would

adequately accomodate the vehicles to be parked in the

garage. The aluminum siding, windows, and roofing

which line has been established by Section 1802.3 of

22' wide x 22' deep x 18' high (at its peak) garage to

County Board of Appeals grant a variance and amend

be attached to the existing house within the 25'5"

Strict compliance with the Zoning Regulations for

94-148-AA

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT, IS ORDERED by the Zoning Commissioner for Baltimore County this // day of November, 1993 that the Petition for a Zoning Variance from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and V.B.8 of the Comprehensive Manual of Development Policy (CMDP) to permit a side yard setback of 6 ft., for an attached two car garage, in lieu of the required 22 ft.; and to amend the Final Development Plan of Village of White Oak, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> The Petitioners may apply for their building permit and be granted same upon receipt of this Order: however. Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> 2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3. There shall be no service garage work performed within the structure or on the subject property at any time.

> ZONING COMMISSIONER FOR BALTIMORE COUNTY

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

November 17, 1993

Mr. and Mrs. George J. Wimmer 9405 Oak White Road Baltimore, Maryland 21236

> RE: Petition for Administrative Zoning Variance Case No. 94-148-AA Property: 9405 Oak White Rod

Dear Mr. and Mrs. Wimmer:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

Baltimore County Government

Zoning Commissioner

Office of Planning and Zoning

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt

Zoning Commissioner

LES:mmn

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Chusan M. Wisnoner 9405 Oak White Poad 256+0588

Petition for Administrative Variance

which is presently sensed [D.P. = 3.5]

AND TO AMENO THE FINAL DEVELOPMENT PLAN of The Ullan I I'm I CAK.

to the Zoning Commissioner of Baltimore County

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and past after twit.

hereto and made a part hereof, hereby petition for a Variance from Section(s)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons, sindicate harder is

We have two Classic Automobiles - a 1934 Chevrolet and a 1967 Colora replica. These vehicles must be garage kept for insurance purposes.

We are presently renting space which is a 5 hour drive away and the is presenting a practical difficulty in that it is becoming too

(See Attached)

t, or we, agree to pay expenses of above Variance advertising, posting, etc. appen filling of this petition, and further agree to an expense.

be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

PERMIT A SHAMED SE-BACK of 6' IN FOR AN ALTER COMME

for the property located at 9405 Oak White Road

IN Lieu of The Progress 22"

Property is to be posted and advertised as prescribed by Zoning Regulations

practical difficulty)

Contract Purchaser/Lesser

Baltimore, Maryland 21236 Cody.

States. Address and phone number of representative in the consumer. George J. Wimmer

Physical No. See Above

A Public Hearing having been requested and/or found to be required it is ordered to the Sorring Communication Restorates to the Sorring Communication Restorates to the Sorring Communication of Rest ر مواجر المعارية المحاجر وحديث ( Approximation of this polition be set for a public hearing indicentised in sequenced by the Council Begindrons of Baymarke ( المعارية City vigition, throughout Battimure County, and that the property persecution

## Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 9405 Oak White Road

Baltimore, Maryland

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

We have two Classic Automobiles - a 1934 Chevrolet and a 1967 Cobra replica. These vehicles must be garage kept for insurance purposes. We are presently renting space which is a \( \frac{1}{2} \) hour drive away and this is presenting a practical difficulty in that it is becoming too costly. We would like to keep these vehicles at our home. This

(See Attached) That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and

garage would be strictly for storage of these vehicles only.

may be required to provide additional information. STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit

of Maryland, in and for the County aforesaid, personally appeared

1 HEREBY CERTIFY, this \_\_\_\_\_ day of \_\_\_\_

, 19\_\_\_\_, before me, a Notary Public of the State

George J. Wimmer and Susan M. Wimmer the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Scal.

Attachment to Affidavit

94-148-AA

It is requested that the Zoning Commissioner and the County Board of Appeals grant a variance and amend final development plans allowing the construction of a 22' wide x 22' deep x 18' high (at its peak) garage to be attached to the existing house within the 25'5" building restriction line along the side of the house, which line has been established by Section 1802.3 of the Baltimore County Zoning Regulations, 1987 Edition. Strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty in that the configuration of the lot will not allow for a garage to be constructed in another area of the property. The 22' wide x 22' deep x 18' high size structure would adequately accomodate the vehicles to be parked in the garage. The aluminum siding, windows, and roofing shingles on the proposed structure will match that of the existing house; therefore, the overall appearance of the house and garage will not detract from the attractiveness of the neighborhood. The garage opening would be facing White Wood Ccurt; therefore, the apron and curb would have to be cut-out to allow the vehicles to enter the garage. The existing house is situated far enough from the roadway that the proposed garage would not present an obstruction to traffic. The vehicles traveling on White Wood Court toward its intersection with Oak White Road would have a clear view of oncoming traffic traveling on Oak White Road. A stop sign is situated on White Wood Court, thereby requiring vehicles on White Wood Court to stop before entering the intersection. Also, White Wood Court is a dead-end roadway; therefore, traffic is minimal to the Oak White Road intersection. The property is located in a community that has no homeowners' association that would need to approve the construction of the structure. The applicants believe that the construction of the garage will not cause substantial injury to the public health, safety, and general welfare. It is requested that the Commissioner and Board of Appeals grant the requested variance allowing the construction of the 22' wide x 22' deep x 18' high garage to be constructed with the 25'5" building restriction line established by Section 1802.3 of the Baltimore County Zoning Regulations, 1987 Edition.

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION	N FOR 9405 Oak	White Road			
Election District	(address) 11 Councilman:: District			)	
Beginning at a point on the	Bast	a r d	e of	€J <u>a</u> n,	
	(north, south, e	est or west)			
White Road	which is _	50 rec	t		
(street on which property fr	conts)	(number ⊃f fee	t or riv	uht-of	MAY Widt

wide at a distance of 25 feet, North centerline of the nearest improved intersecting street White Wood Court

Block B , Section # 3 in the subdivision of Village of White Oak as recorded in Baltimore Numby Plat

7,127 (square feet and acres)

\*If your property is not recorded by Plat Book and Folio Number. then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber \_\_\_\_, Folio \_\_\_\_ " and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

Johns menture therewer

Department of

		1-1	+
lte.	Foad		

, Folio # 82 , containing

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18

District 1/15	Date of Posting 10/10/93
Posted for:  Postitioner: George + Susan W  Location of property: 9405 Oct Wh	ito Re, NE/cor Ock whit & whit subod
	por property being touch
Posted by Manual Stands	Date of return: 10/17/95

● ITEM 144 Zoning Administration & Development Management 111 Test Chescpeake Avenue GEORGE WIMMER - 9405 OAL WHITE RO.

EA COOZ:26FMU9-39 93

**Baltimore County Government** Office of Zoning Administration and Development Management

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to

the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and

advertising are satisfied. However, the petitioner is responsible for

PAYMENT WILL BE MADE AS FOLLOWS:

the costs associated with these requirements.

111 West Chesapeake Avenue

Towson, MD 21204

- Posting fees will be accessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Petitioner: <u>GEARGE WIMMER</u> Tocation: <u>9405 OAK WHITE RO.</u> PLEASE FORWARD ADVERTISING BILL TO:  NAME: SAME			Tallond Cimbolity in	
Petitioner: <u>GEARGE WIMMER</u> Tocation: <u>9405 OAK WHITE RO.</u> PLEASE FORWARD ADVERTISING BILL TO:  NAME: <u>SAME</u> ADDRESS: <u>256-0588</u>	For newspaper adve	ertising:		
PLEASE FORWARD ADVERTISING BILL TO:  NAME:  ADDRESS:  256-0588	Item No.: /4/			
NAME:SAME ADDRESS:	Petitioner: 6	EARGE U	IMMER	
NAME:SAME ADDRESS:	Tecation:	1405 OAK	WHITE	Ro.
NAME:SAME ADDRESS:	PLEASE FORWARD AD	VERTISING BILL TO:	2 ( 2 ) <b>(</b> 2	
75/-258	NAME:	SAME		
PHONE NUMBER: 256-0588	ADDRESS:	0////		
PHONE NUMBER: 436-0366		25/-25	E 0 0	<u> </u>
	PHONE NUMBER:	236-0	2 00	

(Revised 04/09/93)

**Baltimore County Government** Office of Zoning Administration and Development Management

October 22, 1993

(410) 887-3353

Mr. and Mrs. George J. Wimmer 9405 Oak White Road Baltimore, Maryland 21236

111 West Chesapeake Avenue

Towson, MD 21204

RE: Case No. 94-148-AA, Item No. 144 Petitioner: George J. Wimmer, et ux Petition for Administrative Variance and To Amend the Final Development Plan

Dear Mr. and Mrs. Wimmer:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 19, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation State Highway Administration

O James Lighthizer Secretary Hai Kassoff Administration

11 8 92

Re: PACTIMENT (1941)

Item No.: \* 144 (J019)

Ms. Charlotte Minton Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Lieb Anch Fer John Contestabile, Chief **Engineering Access Permits** 

My telephone number is Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government Department of Permits and Licenses



111 West Chesapeake Avenue Towson, MD 21204

OCTOBER 18, 1993

(410) 887-3610

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, ND 21204

ZONING AGENDA: MEETING OF OCTOPER 12, 1993

Property Owner: Maurice F. Eoylan, Sr. and Lois M. Boylan Location: #114 Northwood Drive Item No.: \*142 (JRF)

George F. Sabol, IV & Donna L. Sabol #18007 Marshall Mill Road #143 (RT)

George J. Wimmer and Susan M. Wimmer #9405 Oak White Road #144 (JCM)

Paul W. Rogers and Ponnie J. Rogers #1653 Frenchs Avenue #145 (JRA)

Cedarside Farm Joint Venture **44** Symphony Woods Court

146 (RT) Cedarside Farm Joint Venture #2 Trumpet Court

147 (RT)

Howard B. Miller & Linda C. Miller SW/S Greenspring Avenue Between Broadway and Kelley Avenues

+148 (WCR) Peter P. Golaboski and Anna H. Golaboski **#9121 Cuckold Point Road** 149 (RT)

Herbert P. Bush and Esther F. Bush #4 Opie Road

Herbert R. Bush and Esther E. Push #6 Opie Road 151 (JLL)

Henry C. Stull and Helen A. Stull

2)

Printed 21035 Old York Road

an Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration and Development Management

DATE: November 1, 1993

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s): Item Nos. 194, 167, 168, 169, 172, 175, 176 and 177.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL:lw

ZAC.144/PZCNE/ZAC1

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

OUTOBER 13, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

George J. Wimmer and Susan M. Wimmer 9405 Oak White Road Baltimore, Maryland 21236

CASE NUMBER: 94-148-AA (Item 144) 9405 Oak White Road NEC Oak White Road and White Wood Court 11th Election District - 5th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office recarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before October 17, 1993. The closing date (November 1, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

## 94-148-AA

We, the undersigned, have no objection to the construction of a 21'wide x 21'deep x 14'high garage to be attached to the side of 9405 Oak White Road, which is the property of George J. Wimmer and Susan M. Wimmer. The garage would be situated on the White Wood side of the property. It is our understanding that the aluminum siding and roof shingles on the garage would match the existing house. The driveway apron of the garage would exist on White Wood Court and the curb would have to be cut for the driveway entrance. It is our further understanding that the garage would be situated far enough from the roadway so as not to create a visual obstruction to traffic. We believe that the construction of this garage would in no way detract from the appearance of the neighborhood and it would cause no substantial injury to public health, safety, and general welfare.









